

REMARKS

Upon entry of the present amendment, claims 1 and 3-13 will remain pending in the above-identified application and stand ready for further action on the merits.

The amendments made herein to the claims do not incorporate new matter into the application as originally filed. For example, claim 1 has been amended to recite limitations previously recited in claim 2 (now cancelled). Regarding the amendments to claims 3-6, these simply change the dependencies of the claims based upon the cancellation of claim 2. Regarding the amendments to claims 7-9, these simply provide proper antecedent basis for "a surfactant". Regarding the amendment to claim 12, like claims 3-6, this amendment simply changes the dependency to claim 1 based upon the cancellation of claim 2. The amendment to claim 10 simply improves the English grammatical form thereof, without narrowing its scope.

Claim Rejection Under 35 USC § 112, Second Paragraph

Claims 1-13 have been rejected under 35 USC § 112, second paragraph. Reconsideration and withdrawal of this rejection is requested based upon the following considerations.

Each of claims 1 and 7-9 have been amended to positively recite "a surfactant" therein based upon comments set forth in paragraph "10." of the outstanding Office Action. Accordingly, it

is submitted that the claims as instantly amended particularly and distinctly set forth the inventive discovery, such that withdrawal of the outstanding rejection is now required.

Claim Rejections Under 35 USC § 102(b)/103(a)

Claims 9-11 have been rejected under 35 USC § 102(b) as being anticipated by Wilms et al. US '693 (US 5,139,693). Further, claims 1-3 and 5-8 have been rejected under 35 USC § 103(a) as being unpatentable over Wilms et al. US '693. Still further, claims 1-8 and 12 have been rejected under 35 USC § 103(a) as being unpatentable over Partee et al. US '142 (US 5,726,142), and claims 9-11 and 13 have been rejected under 35 USC § 103(a) as being unpatentable over Partee et al. US '142 in view of Wilms et al. US '693. Reconsideration and withdrawal of each of these rejections is respectfully requested based upon the following considerations.

Distinctions Over Wilms et al. US '693

US '693 of Wilms et al. does not teach or otherwise provide therein for the use of an inhibitor (ingredient (B)) as is recited in the present invention (e.g., see instant claims 1, 8, 9 and 13).

The reason for using an inhibitor "(B)" in the present invention is to solve a problem of a coating film, wherein an amorphous coating film forms comprising a water-soluble polymer and

a water-soluble salt. In this respect, the following findings described at page 3, line 20 to page 4, lines 8 of the specification is noted.

"Base particles obtained by spray-drying a slurry, a paste or an aqueous solution (hereinafter referred to as a slurry in the present invention) having a low surfactant content, the base particles substantially comprising detergent builder components such as a water-soluble polymer, a water-soluble salt and a water-insoluble inorganic compound, have only exhibited an extremely low oil-absorbing ability, as compared to an oil-absorbing ability (expected value) estimated from a specific surface area of a base material or a microporous capacity of a base particle. **Therefore, the present inventors have studied on the causes therefor, and have elucidated that a water-soluble polymer component, which is a component for securing the particle strength of a base particle, tend to be localized on the surface of the base particle and in the vicinity thereof during a spray-drying process, and as a result, an amorphous coating film comprising a water-soluble polymer and a water soluble-salt, is formed on the surface of the base particle.**" (emphasis added)

In this regard, the Examiner's attention is also directed to page 6, lines 12-14 of the specification, which describes that:

"Sodium carbonate, **sodium sulfate** and the like, which are generally used as a water-soluble salt formulated in a detergent, are easily compatible with a water-soluble polymer, and tend to partly become amorphous." (emphasis added)

As clarified by the above-mentioned descriptions in the specification, sodium sulfate is one of the water-soluble salts forming the amorphous coating film so that sodium sulfate is just the opposite of the inhibitor "(B)" recited in the instant claims.

This is also clarified by the fact that similar amounts of sodium sulfate are used not only in the Examples but also in the Comparative Examples show in Table 1 of the instant specification. That is, the present invention solves the problem of the coating film caused by the use of sodium sulfate as a water-soluble salt.

Accordingly, it is submitted that the Examiner's apparent understanding with respect to the present invention and Wilms et al. is incorrect, since it is clear that the cited Wilms et al. reference does not contain therein a required ingredient of the present invention (i.e., ingredient "(B)"). As such, the Examiner's outstanding rejections over the cited Wilms et al. reference under both 35 USC § 102(b) and 35 USC § 103(a) are improper and should now be withdrawn.

In support of the above contention it is also noted that the cited Wilms et al. reference nowhere provides any teaching or motivation, which would allow one of ordinary skill in the art to arrive at the instant invention as claimed.

Distinctions over Partee et al. US '142

Based upon the instant amendment to claim 1, it is submitted that the present invention is clearly distinguishable from the teachings of the cited reference of Partee et al.

Specifically, according to the Table at column 3 of Partee, sodium polyacrylate/sodium chloride ratios in Formulation 1 and Formulation 2 are 0.089 and 0.033, respectively. According to the Table at column 5 of Partee, the ratios in Formulation 1 and Formulation 2 are 0.079 and 0.033, respectively. These ratios fail to satisfy or meet the requirements of the present invention, i.e., a ratio of 0.1 - 100. Notably, in the present invention it would be difficult to obtain sufficient particle strength of base particles in the case where the ratio is less than 0.1 (e.g., see page 9, lines 23-25 of the instant specification).

In addition, the contents of surfactant in Partee are 32.54% and 14.90% in the Table provided at column 3, and 18.00% and 13.20% in the Table provided at column 5. These values fall outside the range of the content of the surfactant in the present invention, i.e., 0 to 3 % by weight.

Accordingly, it is submitted that the present invention is clearly distinguishable from the cited Partee et al. reference, and that nowhere in the cited Partee et al. reference is there any teaching or motivation that would allow one of ordinary skill in the art to arrive at the present invention as claimed. Absent such motivation in the art, the Examiner's outstanding rejection under 35 USC § 103(a) over the teachings of Partee et al. is incapable of rendering the present invention obvious. This is true whether the

cited Partee, et al. reference is considered singularly or in combination with the secondary reference of Wilms US '693.

CONCLUSION

Based upon the amendments and remarks presented herein, the Examiner is respectfully requested to issue a Notice of Allowance clearly indicating that each of the instantly pending claims 1 and 3-13 are allowed and patentable under the provisions of Title 35 of the United States Code.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John W. Bailey (Reg. No. 32,881) at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

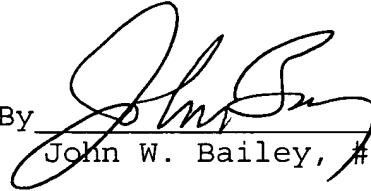
If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Appl. No. 09/762,919

Respectfully submitted,

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By



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